

**THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

FREDRICK M. MERRILL,	)	
	)	
Plaintiff,	)	
v.	)	<b>CASE NO. 1:07cv1037-MEF</b>
	)	
MICHAEL J. ASTRUE,	)	
COMMISSIONER OF SOCIAL SECURITY,	)	
	)	
Defendant.	)	

**ORDER**

On September 10, 2008, the Magistrate Judge filed a Report and Recommendation (Doc. #18) in this case to which no timely objections have been filed. Upon an independent review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is ORDERED that:

1. The Recommendation of the Magistrate Judge is ADOPTED, and
2. The decision of the Commissioner is affirmed.

DONE this the 30th day of September, 2008.

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/s/ Mark E. Fuller  
CHIEF UNITED STATES DISTRICT JUDGE